

REMARKS

Reconsideration and allowance of claims 1, 3 and 4 are respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being obvious over Ueda (JP 11-268656 A) in view of Sakyo et al (US 6,450,284), and further in view of JP 63-107135 (hereinafter "JP '135").

Claim 2 is rejected under 35 U.S.C. § 103(a) as being obvious over Ueda in view of Sakyo and JP '135, and further in view of Fought (US 4,700,802).

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being obvious over Ueda in view of Sakyo, JP '135 and Fought, and further in view of Koga (US 5,109,945).

Claim 1 is amended to include the limitations of claim 2, which is cancelled.

Applicants submit that the combination of Ueda, Sakyo, JP '135 and Fought does not teach or suggest all of the features of amended claim 1. In accordance with the invention claimed in amended claim 1, the second control state can be cancelled by a pressing operation of the selector button of the selector switch without relying upon an operation of the F-N-R lever unit. As a result, the operator can be induced to cancel the second control state. Upon performing work, which does not require any travel, in the state that the control state has been switched to the second control state, the second control state can be cancelled without involving an act that would initiate a travel, thereby

making it possible to avoid any careless travel not intended by the operator. The control state automatically returns to the first control state if the operator leaves the operator's seat with the second control state being left over. Even if the former operator leaves the second control state uncanceled upon operator shifting, it is therefore possible to have the control state returned beforehand to the first control state before the shifted operator rides on the work machine. Accordingly, any travel not intended by the operator can be avoided even if the shifted operator carelessly operates the forward button.

None of the references cited in the Office Action has such a construction as claimed in amended claim 1 and, accordingly, cannot achieve the same advantageous effects mentioned above. In particular, the references do not teach or suggest that the control means is set such that, when neutral has been already instructed by both of the first and second forward/reverse control means upon switching of the switching instruction means to the switching state, the first control state is switched to the second control state. Further, they do not teach or suggest that the switching instruction means is set such that, upon switching to the first control state by an operation of the first forward/reverse control means with the switching instruction means having been already switched to the switching state, any instruction by the switching instruction means is canceled until the switching instruction means is switched to the cancellation state.

The cited references are silent with regard to these specific features of amended claim 1, which further define the claimed control means and the claimed switching instruction means. Moreover, the Office Action does not point to any portion of any of the references as disclosing these features. Therefore, amended claim 1 is patentable over the combination of Ueda, Sakyo, JP '135 and Fought.

Claims 3 and 4 are patentable due to their dependence from amended claim 1.

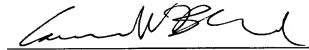
In view of the foregoing, Applicant submits that the application is in condition for allowance and such action is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 080306.58151US.

Respectfully submitted,

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